

REMARKS

Claims 1, 9, 11, 18, 20, and 21 have been amended. Claims 8, 10, 17, and 19 have been cancelled. Claims 22-24 have been added. Thus, Claims 1-7, 9, 11-16, 18, 20-24 are pending in the present application.

Claim rejection under 35 U.S.C. §102:

The Examiner rejected claims 1-4, 7-10, 11-13, and 16-21 under 35 U.S.C. §102(b) as being anticipated by Tomita. Applicant amended independent claims 1, 11, 20, and 21 to include limitations that are neither disclosed nor suggested by Tomita. Thus, Applicant believes that Tomita does not anticipate the present invention.

The amended independent claims include the limitation that the receivers are adapted to revolve around the drive as can be seen in all figures of the present application. The drive of the system as disclosed by Tomita is arranged outside the plane of the drive and each cartridge has to be lifted into the drive. Thus, the cartridges do not revolve around the drive but rather are being transported above the drive and then lifted up or down into the drive. Furthermore, the present independent claims include the limitation that the carriers are adapted to be moved on the path of revolution by a continuously revolving driving means and are guided on their underside in a guide defining the path of revolution. Thus, the path of revolution can be designed without limitations and the carriers can be exchanged, for example, to be adapted to hold different types of cartridges. Tomita merely discloses a disc on which the cartridges are arranged and, thus, a completely different concept of transporting the cartridges.

The dependent claims include all the limitations of the respective independent claims and are, therefore, patentable at least to the extent of the independent claims. Because the independent claims are clearly not anticipated by the prior art, Applicant would like to defer any discussions with respect to these dependent claims at this point.

Claim rejection under 35 U.S.C. §103:

The Examiner rejected claims 5-6, and 14-16 under 35 U.S.C. §103(a) as being unpatentable over Tomita in view of Uemura. Applicant respectfully disagrees. As stated above, the independent claims include limitations neither disclosed or suggested by Tomita.

Thus, these dependent claims include all the limitations of the respective independent claims and are, therefore, patentable at least to the extent of the independent claims. In addition, Uemura does not disclose the limitation that the cartridges revolve around the drive and the specific way the cartridges are placed with their flat side on a carrier so that they can be inserted into the drive.

New claims

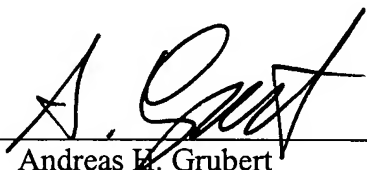
Applicant added new claims 22 to 24 to include the limitation that the path of revolution is substantially in a plane which has been deleted from the independent claims.

CONCLUSION

The application as defined in the pending claims is patentable under 35 U.S.C. §102 and §103 in view of the cited prior art. Therefore, applicants respectfully request withdrawal of the rejection and allowance of all pending claims.

Applicants do not believe that any other fees are due at this time; however, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to this document, the Commissioner is authorized to deduct the fees from Deposit Account No. 02-0383, (*formerly Baker & Botts, L.L.P.*) Order Number 074623.0104.

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